

REMARKS

An Office Action was mailed on July 11, 2003. Claims 1-7 are pending in the present application.

INFORMATION DISCLOSURE STATEMENT

The Examiner has again failed to initial and/or consider U.S. Patent 3,113,814 cited in Applicant's IDS dated September 26, 2001. Applicant does not understand the Examiner's reluctance to consider such reference and continues to believe this was an oversight, as the Examiner attended to every other document noted in such IDS. Therefore, Applicant is resubmitting such reference in and IDS attached hereto. It is respectfully requested that the Examiner consider such IDS and return the attached Form 1449 with the next official communication.

PRIOR ART REJECTIONS UNDER 35 U.S.C. §102 and §103

Claims 1-4 and 6 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wibily et al. (U.S. Patent 4,805,919). Claims 1-4 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Colanzi et al. (U.S. Patent 4,428,629). Claims 1, 5 and 6 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bugmann (U.S. Patent 3,700,296). Claims 1, 2 and 4 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Moorman et al. (U.S. Patent 2,830,858). In addition, claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wibily et al., Colanzi et al. and Moorman et al. individually, and further in view of Meyer (DE 4,215,905); claims 2-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bugmann and further in view of Dreschmann et al. (U.S. Patent 4,650,195); and claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkuma et al. (U.S. Patent 4,309,916) in view of Wibily et al., Colanzi et al., Bugmann and Moorman et al. individually.

Responsive thereto, Applicant has amended the claims to clearly define over the numerous cited art of record. Specifically, the claims now require that an interference in the radial direction between the other of the peripheral edges and the other of the inner race and

outer race is kept within the range of 0.01 to 0.4 mm. Support for such amendment can be found on page 18, lines 4-9 of the specification. As discussed on page 18, lines 10-17, it becomes difficult to maintain the seal performance when the interference is less than 0.01mm. However, when the interference is too large, the friction resistance of the sliding contact and therefore the rotational resistance of the rolling bearing with seal place becomes so large so as to decrease the transmission efficiency of the transmission having the rolling bearing.

Thus, the present invention is currently defined as a rolling bearing with seal plate for transmission comprising: an inner race that has an outer peripheral surface formed with an inner ring raceway in an axially middle portion; an outer race that has an inner peripheral surface formed with an outer ring raceway in an axially middle portion; a plurality of rolling bodies that are rotatably located between the inner ring raceway and the outer ring raceway; and a seal plate that is made of synthetic resin and has peripheral edges such that one of the peripheral edges is attached to part of one of the inner race and outer race, while the other of the peripheral edges is made to come in sliding contact with part of the other of the inner race and outer race; wherein an interference in the radial direction between the other of the peripheral edges and the part of the other of the inner race and outer race is kept within the range of 0.01 to 0.4 mm.

Applicant respectfully submits that none of the claims as amended are taught by or rendered obvious in view of the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

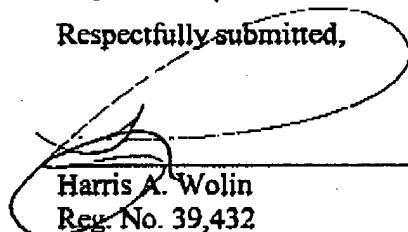
In this case, the totality of the cited art fails to make any mention whatsoever of the claimed interference values or its relevance to the efficiency of a rolling bearing unit. Thus, as

the prior art fails to teach all elements of the claimed invention, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 102(b). Furthermore, as claim 1 is believed to be allowable over the prior art, claims 2-7 are believed to be allowable as being dependent from an allowable base claim. Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. §103(a).

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-7, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,


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